

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO.: 22-60111-CR-SMITH
22-60118-CR-SMITH

UNITED STATES OF AMERICA,

Plaintiff,
vs.

JOHANAH NAPOLEON,

Defendant.

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**DEFENDANT'S SENTENCING MEMORANDUM AND REQUEST FOR
DOWNWARD VARIANCE**

The Defendant, JOHANAH NAPOLEON, by and through her undersigned attorney files this Sentencing memorandum and request for Downward variance and states the following:

FORFEITURE

Per her Plea Agreements the defendant has agreed to forfeit the sum of \$250,000.00 in case no.: 22-cr-60111 and the sum of \$3,205,414.00 in case no.: 23-cr-60118. To satisfy said forfeiture obligation the defendant has sold several real properties and has three additional real properties currently under contract. At present undersigned counsel has in his trust account the sum of \$2,596,851.91 from the sale of the defendant's real properties. Of the three real properties under contract, one is scheduled to close at the end of July. Said closing was extended several times because the tenant refused to leave the premises and an eviction proceeding had to be filed and litigated. The other two (2) properties are scheduled to close on August 8, 2023, and August 11, 2023.

The net proceeds from the three closings will be sufficient to allow the defendant to satisfy her entire forfeiture obligation in full.

REQUEST FOR DOWNWARD VARIANCE

Section 3553(a) requires this Court to impose a sentence that is "sufficient, but not greater than necessary". The defendant's guideline range, which the defense argues in its Objections, is 41 to 51 months imprisonment. This guideline range is excessive and substantially overrepresents a fair, reasonable, and necessary sentence for the offenses in light of the defendant's history and characteristics. The defendant has been debriefed; has cooperated to the best of her ability; and has accepted responsibility. The defendant is a 47 year old mother of two (2) with no criminal convictions. She is not a dangerous violent offender who must be incarcerated for a lengthy term of incarceration to protect the community and deter her from future criminal conduct. She immigrated to the United States in 1992 and began working in the health care field as a registered chiropractic assistant. Afterwards she began working with Medlife Institute and eventually owned and operated her own nursing schools.

Since being arrested and charged, Ms. Napoleon was ordered to refrain from any involvement or work in the healthcare field. She has abided by this condition of her release and has continued to try to educate herself in other fields to prepare for her and her family's future. She has enrolled and been attending classes at Latin Beauty Academy and has obtained her license as a Facial Specialist. She is also in the process of obtaining her license as a nail specialist. She has evidenced her determination to learn and work to better herself and

provide for her family.

After her arrest, Ms. Napoleon quickly agreed to cooperate and accept responsibility for her conduct. Her cooperation is ongoing, and she will be testifying as a government witness in at least one pending trial. Her cooperation will be addressed later after it has been completed and the government has filed the appropriate motion. This Court must decide on a sentence that is reasonable and sufficient but not greater than necessary. Punishment, deterrence, treatment, rehabilitation, and protection of the community can all be satisfied by a reasonable sentence below the guideline range.

WHEREFORE, the Defendant requests this Honorable Court to grant this request and impose a sentence below the guideline range.

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed electronically this 17 day of July 2023.

Respectfully submitted,

BY: s/s Joel DeFabio

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